

JUN 29 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Raymond Hesline  
Serial No. : 10/553,132  
Art Unit : 2872  
Examiner : Derek S Chapel  
Filed : October 14th, 2005  
Title : OPTICAL ISOLATOR, ATTENUATOR, CIRCULATOR AND SWITCH

By facsimile 571-273-8300

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below.

Applicant is in receipt of the Final Office Action mailed 26th February, 2009. Claims 13-20 are pending. Reconsideration is requested in light of the following remarks.

Claims 13-20 were rejected under 35 U.S.C. 103(a). Claims 13-16 and 20 were rejected as being unpatentable over Zhao et al., U.S. Patent Application Publication 2003/0113055 A1, in view of Hesline, U.S. Patent Number 5,864,428. Claims 13, 15-16 and 18 were rejected as being unpatentable over Liu et al., U.S. Patent Application

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Publication Number 2003/0020989 A1, in view of Hesline, U.S. Patent 5,864,428. Claims 13, 16-17 and 19 were rejected as being unpatentable over Pan et al., U.S. Patent Application Publication Number 2003/0147136 A1, in view of Hesline, U.S. Patent Number 5,864,428.

According to rules of the U.S. Patent Office, an inventor's own work may not be cited as prior art.

The following is a quotation of 35 U.S.C. 102(e).

A person shall be entitled to a patent unless -

(e) the invention was described in - (1) an application for patent, published under section 122(b), by *another* filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by *another* filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The examiner relies upon Hesline, U.S. Patent Number 5,864,428, in all objections. No patent application cited by the examiner, without reference to Hesline, anticipates a claim of the present application.

The applicant is the inventor of U.S. Patent Number 5,864,428.

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In light of the foregoing remarks, the applicant submits that the application is in condition for allowance, and requests a formal notice to that effect.

Yours sincerely,



Raymond Hesline  
INVENTOR

Date: June 29th, 2009